

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 1048 of 1995

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

Nos.1 to 5 - No.

HAZRABIBI W/O FARUQUE RANTA

Versus

FARUQUE ABDUL RAHIM RANTA

Appearance:

MRS SANGEETA N PAHWA for Petitioner

MR MA KHARADI for Respondent No. 1

MR.ST MEHTA, ADDL.PUBLIC PROSECUTOR for Respondent No. 2

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 17/02/97

ORAL JUDGEMENT

The petitioner's application for maintenance for herself and the minor son has been allowed by the learned Judicial Magistrate, First Class, Godhra. Under the judgment and order dated 29-10-94 the petitioner and the minor son are awarded monthly maintenance of Rs.300/-. Feeling aggrieved, the respondent No.1 has preferred Criminal Revision Application No.91/94 before the learned

Sessions Judge, Panchmahals. Pending the said revision application the respondent No.1 preferred an application exh.4 for interim stay of the order of the learned Magistrate. The said application has been allowed and under the order dated 2nd December, 1994, the learned Sessions Judge, Panchmahals has stayed the operation of the order of the learned Magistrate, on condition that the respondent No.1 shall pay a monthly maintenance of Rs.200/- to the petitioner. It is the correctness of this order dated 2nd December, 1994 which is questioned here.

The learned Advocate Ms.Pahwa has contended that there was no justification for the learned Sessions Judge, to grant the stay as has been done by him merely because the revision application was preferred. This being an interlocutory order, I do not intend to interfere with the same in the petition filed under Article 227 of the Constitution.

Petition is, therefore, dismissed. Rule is discharged.
